

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF THE TTAB 7/5/00

UNITED STATES PATENT AND TRADEMARK OFFICE

---

Trademark Trial and Appeal Board

---

In re Fleetwood Enterprises, Inc.

---

Serial No. 75/332,869

---

Edward M. Prince of Alston & Bird LLP for Fleetwood  
Enterprises, Inc.

Richard A. Straser, Trademark Examining Attorney, Law  
Office 114 (Mary Frances Bruce, Managing Attorney).

---

Before Seeherman, Hohein and McLeod, Administrative  
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

Fleetwood Enterprises, Inc. has appealed from the  
final refusal of the Trademark Examining Attorney to  
register EZ GLIDE as a trademark for "motor home structural  
parts, namely, slide-out unit to expand interior space of  
motor homes."<sup>1</sup> Registration has been refused pursuant to

---

<sup>1</sup> Application Serial No. 75/332,869, filed July 30, 1997,  
asserting first use and first use in commerce as of January 1996.

Section 2(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1), on the ground that applicant's mark is merely descriptive of its identified goods.

The appeal has been fully briefed; an oral hearing was not requested.

A mark is merely descriptive under Section 2(e)(1) of the Act if it immediately conveys knowledge of the ingredients, qualities, or characteristics of the goods with which it is used. **In re Gyulay**, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987).

Applicant's mark is the phonetic equivalent of "easy glide." It is the Examining Attorney's position that the mark describes a desirable quality of applicant's slide-out units, i.e., that the mark immediately conveys the information that the units slide out smoothly and easily.

Much of the applicant's argument is focused on the word "glide," and the asserted differences between the meaning of this word and the word "slide," which applicant apparently concedes would be descriptive of its goods. "A slide-out unit requires action by some other force to make it move outwardly. The verb 'slide' is the appropriate action word in that context." Reply brief, p. 3.

Applicant argues that the word "glide" creates an image of an object moving effortlessly across a surface by itself, and that it would not be the appropriate "action word" in the context of a slide-out unit.

We are not persuaded by applicant's arguments. "Glide" is a synonym for "slide." The Random House Dictionary of the English Language, 2d ed., unabridged, © 1987, defines "slide," inter alia, as "to glide or pass smoothly." Webster's Third New International Dictionary, unabridged, © 1993, defines "slide," inter alia, as "to go with a smooth continuous motion: GLIDE." Consumers of mobile homes with slide-out units are not likely to make the semantic distinctions applicant suggests. Rather, given the dictionary definitions, and the plain meanings of the words EASY and GLIDE, consumers will immediately understand the mark EZ GLIDE, used for a slide-out unit to expand the interior space of a mobile home, as describing a characteristic of the unit, namely, that it glides out easily.

The third-party registrations submitted by applicant do not persuade us to reach a different result. As the Examining Attorney has pointed out, third-party

registrations are not conclusive on the question of descriptiveness, and a mark which is merely descriptive should not be registered merely because other such marks appear on the register. **In re Scholastic Testing Service, Inc.**, 196 USPQ 517 (TTAB 1977). As for applicant's own registration, without disclaimer or resort to Section 2(f), of the mark DURA GLIDE for similar goods to those at issue herein, we agree with the Examining Attorney that the word GLIDE in that mark has a different connotation from its connotation in EZ GLIDE.

Decision: The refusal of registration is affirmed. It is noted that at the time of filing the appeal applicant submitted, in the alternative, an amendment to the Supplemental Register should the Board affirm the refusal of registration. Before the appeal proceeded, the application was remanded to the Examining Attorney, who found that the mark is registrable on the Supplemental Register. If applicant wishes to expedite the registration process applicant should, as soon as possible, advise the Board that it wishes to have the Supplemental Register registration issue; otherwise, the Board will hold the file until the conclusion of the time for possibly filing an appeal of this decision, as provided in Trademark Rule 2.145(d), following which the amendment to the Supplemental

**Ser. No.** 75/332,869

Register will be entered and the file will be forwarded for  
issuance of the Supplemental Register registration.

E. J. Seeherman

G. D. Hohein

L. K. McLeod  
Administrative Trademark Judges  
Trademark Trial and Appeal Board